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13 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
22 Defendants.
23
24

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S CORRECTED
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL PORTIONS OF
ITS OFFER OF PROOF
REGARDING DEFENDANTS'
TRADE SECRET
MISAPPROPRIATION (DKT. 1371,
CORRECTING DKT. 1357)**

Trial Date: October 10, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
 3 declaration based upon matters within my own personal knowledge and if called as a witness, I
 4 could and would competently testify to the matters set forth herein. I make this declaration in
 5 support of Plaintiff's Corrected Administrative Motion to File Under Seal Portions of Its Offer of
 6 Proof Regarding Defendants' Trade Secret Misappropriation (Dkt. 1371, correcting Dkt. 1357).

7 2. I have reviewed the following documents and confirmed that only the portions
 8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Offer of Proof	Red-outlined boxes

9 3. Most of the red-outlined boxes of Waymo's Offer of Proof contain highly
 10 confidential information regarding the technical details, specifications, and diagrams of Uber's
 11 LiDAR sensors at various stages of their development. This highly confidential information is
 12 not publicly known, and its confidentiality is strictly maintained. I understand that disclosure of
 13 this information would allow Uber's competitors to gain detailed knowledge into the technical
 14 specifications of Uber's LiDAR sensors and use this knowledge to build or improve their own
 15 technology, such that Uber's competitive standing could be significantly harmed.

16 4. Some of the red-outlined boxes of Waymo's Offer of Proof contain highly
 17 confidential information regarding Uber's third-party vendors for various elements of Uber's
 18 LiDAR systems. Some of these vendors have Non-Disclosure Agreements with Uber. This
 19 highly confidential information is not publicly known and its confidentiality is strictly
 20 maintained. Defendants request this information be kept under seal to protect the confidentiality
 21 of information subject to these business agreements, including confidential technical information,
 22 and also to ensure that competitors do not attempt to interfere with these vendor relationships. I
 23 understand that disclosure of this information could significantly harm Uber's competitive
 24 standing.

1 5. Some of the red-outlined boxes of Waymo's Offer of Proof contain highly
2 confidential information regarding the evaluation of various technical options for Uber's LiDAR
3 sensors. This highly confidential information is not publicly known, and its confidentiality is
4 strictly maintained. I understand that disclosure of this information would allow Uber's
5 competitors to obtain a competitive advantage by learning how Uber approaches the technical
6 challenges of self-driving and evaluates possible solutions to these challenges, including with
7 regard to Uber's LiDAR sensors, such that they can tailor their own LiDAR development to
8 counter Uber and Uber's competitive standing could be significantly harmed.

9 6. In addition, the red-outlined boxes on page 16 contain highly confidential
10 information regarding the structure of a business agreement with a counterparty that has an
11 ongoing business relationship with Uber. This highly confidential information is not publicly
12 known, and its confidentiality is strictly maintained. I understand that disclosure of this
13 information could allow competitors to gain insight into how Uber structures and negotiates its
14 business agreements, allowing them to tailor their own negotiation strategy, such that Uber's
15 competitive standing could be significantly harmed.

16 7. The red-outlined boxes on page 22 contain the email addresses, phone numbers,
17 and other contact information of high-ranking current and former company executives, whose
18 email accounts and numbers may still become compromised if disclosed to the public.
19 Defendants seek to seal this information in order to protect the privacy of these current and
20 former executives, as prominent individuals at the company are currently the subject of extensive
21 media coverage. Disclosure of this information for such high-ranking executives could expose
22 them to harm or harassment.

23 8. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's
24 Offer of Proof that merit sealing.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed this 28th day of August, 2017, in Washington, D.C.
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/s/ Michelle Yang
6 Michelle Yang
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8 **ATTESTATION OF E-FILED SIGNATURE**
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10 I, Arturo J. González, am the ECF User whose ID and password are being used to file this
11 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
12 concurred in this filing.
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15 Dated: August 28, 2017

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/s/ Arturo J. González
17 Arturo J. González
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